

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC., and)
HONEYWELL INTELLECTUAL PROPERTIES, INC.,)
)
Plaintiffs)
v.) C.A. No. 04-1338-KAJ
)

APPLE COMPUTER, INC., ARGUS A/K/A HARTFORD)
COMPUTER GROUP, INC.; CASIO COMPUTER CO.,)
LTD.; CASIO, INC.; CONCORD CAMERAS; DELL INC.;)
EASTMAN KODAK COMPANY; FUJI PHOTO FILM)
CO., LTD; FUJI PHOTO FILM U.S.A., INC.; FUJITSU)
LIMITED; FUJITSU AMERICA, INC.; FUJITSU)
COMPUTER PRODUCTS OF AMERICA, INC.;)
KYOCERA WIRELESS CORP.; MATSUSHITA)
ELECTRICAL INDUSTRIAL CO.; MATSUSHITA)
ELECTRICAL CORPORATION OF AMERICA;)
NAVMAN NZ LIMITED; NAVMAN U.S.A. INC.;)
OLYMPUS CORPORATION; OLYMPUS AMERICA,)
INC.; PENTAX CORPORATION; PENTAX U.S.A., INC.;)
SEIKO EPSON CORPORATION; SONY CORPORATION;)
SONY CORPORATION OF AMERICA; SONY)
ERICSSON MOBILE COMMUNICATIONS AB; SONY)
ERICSSON MOBILE COMMUNICATIONS (USA) INC.;)
TOSHIBA CORPORATION; and TOSHIBA AMERICA,)
INC.,)
)

Defendants.)

HONEYWELL INTERNATIONAL INC., and)
HONEYWELL INTELLECTUAL PROPERTIES INC.,)
)

Plaintiffs,)

v.) C.A. No. 04-1337-KAJ
)

AUDIOVOX COMMUNICATIONS CORP.; AUDIOVOX)
ELECTRONICS CORPORATION; NIKON)
CORPORATION; NIKON, INC; NOKIA CORPORATION;)
NOKIA INC.; SANYO ELECTRIC CO., LTD.; AND)
SANYO NORTH AMERICA CORPORATION,)
)

Defendants.)

**DEFENDANTS' JOINDER IN TOSHIBA'S FED. R. CIV. P. 42(b)
MOTION FOR BIFURCATION OF LIABILITY AND DAMAGES**

Pursuant to Fed. R. Civ. P. 42(b), and for the reasons set forth in Toshiba Corporation's ("Toshiba") Fed. R. Civ. P. 42(b) Motion for Bifurcation of Liability and Damages (D.I. 164) (and memorandum in support thereof; D.I. 165), the undersigned defendants from the above-captioned actions hereby respectfully join in Toshiba's motion for bifurcation of liability and damages.

Rule 7.1.1 Certification: As stated in Toshiba's motion papers, counsel for Toshiba discussed the subject of this motion with counsel for plaintiffs, but plaintiffs did not agree to bifurcate liability and damages.

As Toshiba has articulated, this action should be bifurcated as to liability and damages (with willfulness being a damages issue) to make this case more manageable, to simplify issues, to reduce effort and expense, to conserve judicial resources, and to avoid what may be an unnecessary damages trial and discovery with respect thereto. The undersigned defendants' present joinder in Toshiba's motion is in addition to the position of certain defendants in the above-captioned actions that these cases should be also be stayed as to non-manufacturer defendants.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

By: 

Richard L. Horwitz
David E. Moore
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

For Purposes of this Joinder – Attorneys Filing on
Behalf of the Following Defendants: Apple
Computer, Inc., Casio Computer Co., Ltd., Casio,
Inc. Concord Cameras, Dell Inc., Fujitsu Limited,
Fujitsu America, Inc., Fujitsu Computer Products
of America, Inc., Matsushita Electrical Industrial
Co., Matsushita Electrical Corporation of America,
Pentax Corporation, Pentax U.S.A., Inc., Sony
Corporation, Sony Corporation of America,
Audiovox Communications Corp., Audiovox
Electronics Corporation, Nokia Corporation,
Nokia, Inc., Sanyo Electric Co, Ltd. and Sanyo
North America Corporation

DATED: May 3, 2005

680613

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on May 3, 2005, the attached document was served via hand-delivery and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Philip A. Rovner
Potter Anderson & Corroon LLP
1313 N. Market Street
Hercules Plaza, 6th Floor
Wilmington, DE 19899

William J. Wade
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899-0551

John W. Shaw
Glenn Christopher Mandalas
Young, Conaway, Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391

Frederick L. Cottrell, III
Chad Michael Shandler
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899-0551

Adam W. Poff
Young, Conaway, Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391

Thomas L. Halkowski
Fish & Richardson P.C.
919 N. Market St., Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114

Thomas C. Grimm
Kristen Healey, Esquire
Sean T. O'Kelly, Esquire
Morris, Nichols, Arsht & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

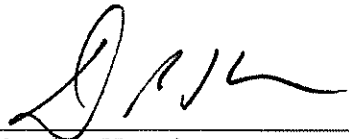
Francis DiGiovanni
James M. Olsen
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899

Amy Evans
Cross & Simon, LLC
913 N. Market Street, Suite 1001
P.O. Box 1380
Wilmington, DE 19899-1380

Andre G. Bouchard
Karen L. Pascale
Bouchard Margules & Friedlander, P.A.
222 Delaware Avenue, Suite 1400
Wilmington, DE 19801

Donald W. Huntley
Huntley & Associates
1105 North Market Street, Suite 800
P. O. Box 948
Wilmington, DE 19899-0948

Arthur G. Connolly, III
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899

By: 
Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

676821